

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MICHAEL DELUCIA

Defendant,

and

HOLLYWOOD MOTORS

Garnishee.

~~PROPOSED~~ ORDER OF
CONTINUING GARNISHMENT

Criminal Docket No.
CR-00-0122 (ADS)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 23 2019 ★

LONG ISLAND OFFICE

WHEREAS, a Writ of Continuing Garnishment and supporting documents, directed to the Garnishee, Hollywood Motors, was issued on the basis of a judgment imposed against Michael Delucia and in favor of the United States of America, in the amount of \$179,350.00, plus interest, in United States v. Michael Delucia, CR-00-0122 (E.D.N.Y.); and

WHEREAS, the defendant, Michael Delucia was served with the Writ of Garnishment and supporting documents on April 11, 2019; and

WHEREAS, the Garnishee was served with the Writ of Garnishment and supporting documents on April 8, 2019; and

WHEREAS, by Answer dated April 30, 2019, the Garnishee, Hollywood Motors, stated that for the pay period in effect on the date of service of the Writ of Garnishment, the

defendant was employed by it and earning monthly net wages in the amount of \$3,405.75; and

WHEREAS, Hollywood Motors stated in its answer that no previous garnishments have been issued with respect to the defendant; and

WHEREAS, Defendant Michael Delucia was served with the answer and notified, more than twenty (20) days before the date of this Order, of his right to a hearing or to file a claim for exemption and has not requested a hearing, claimed an exemption or otherwise contested the garnishment proceeding; and

WHEREAS, as of July 10, 2019, the Defendant has made payments totaling \$31,115.50 toward the restitution judgment; and

WHEREAS, as of July 10, 2019, the outstanding balance on the restitution judgment is \$191,660.75, plus interest; and

WHEREAS, pursuant to 28 U.S.C. § 3205, the Court may issue a writ of garnishment against non-exempt disposable earnings in which a defendant-debtor has a substantial nonexempt interest in order to satisfy the judgment against the defendant-debtor; and

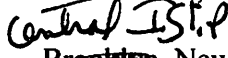
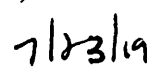
WHEREAS, nonexempt disposable earnings means 25% of disposable earnings, as defined in 28 U.S.C. § 3002(5) and (9),

IT IS HEREBY ORDERED that within ten days of service of a certified copy of this order, Hollywood Motors shall issue a check payable to the Clerk of the Court in the amount of the defendant's non-exempt disposable earnings, as defined in 28 U.S.C. § 3002(5) and (9), for each week beginning with the pay period in effect on April 1, 2019 through the last full pay period ending on or before the date of service of the Order of Garnishment, which check shall be mailed to the Clerk of the Court, U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, and reference "United States v. Michael Delucia, CR-00-0122;" and

IT IS FURTHER ORDERED that Hollywood Motors shall continue to withhold the defendant's non-exempt disposable earnings each pay period, as defined in 28 U.S.C. § 3002(5) and (9), and shall issue and mail a check in that amount each pay period, in the manner described above, so long as the defendant Michael Delucia remains employed with Hollywood Motors, or until such time as Hollywood Motors is advised by the United States Attorney's Office for the Eastern District of New York that the restitution judgment imposed against Michael Delucia debt has been paid in full; and

IT IS FURTHER ORDERED that should defendant Michael Delucia cease to be employed by Hollywood Motors, Hollywood Motors shall so advise the United States Attorney's Office in writing at the following address: Assistant U.S. Attorney Beth P. Schwartz, U.S. Attorney's Office, 271 Cadman Plaza East, Brooklyn, New York, 11201; and

IT IS FURTHER ORDERED THAT the Clerk of the Court shall forward three certified copies of this order to Assistant U.S. Attorney Beth P. Schwartz, U.S. Attorney's Office, 271 Cadman Plaza East, Brooklyn, New York, 11201.

Dated:  
Brooklyn, New York
July 10, 2019

/s/ Arthur D. Spatt

HONORABLE ARTHUR D. SPATT
UNITED STATES DISTRICT JUDGE